

**WAUKESHA COUNTY**  
**MINUTES OF THE PARK AND PLANNING COMMISSION**  
**WEDNESDAY, SEPTEMBER 28, 2005, 1:00 P.M.**

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**CALL TO ORDER – Okauchee Lake Yacht Club**

Walter Baade, Chairperson, called the meeting to order at 11:00 a.m. at Okauchee Lake Yacht Club.

Commission	Mareth Kipp	Betty Willert	Gary Goodchild
Members Present:	Walter Baade	Pat Haukohl	Walter Kolb
	Ellen Gennrich		

Commission  
Members Absent: None

Staff  
Members Present: Richard L. Mace, Planning and Zoning Manager  
Kathy Moore, Senior Planner

Guests Present:	John Bauman	Rob Davey
	Atty. Tim Kay	Bob Perigren
	Ken Runyard	Mark Smith
	Mr. Garvey	Jeffrey Herrmann

**SCHEDULED MATTER**

**11:00 a.m.     SCU-97C - Okauchee Lake Yacht Club Site Inspection**

The Commission met and viewed the property and it was determined that where they were proposing the road was in the vegetative areas and was improperly located on the Site Plan. The Town Plan Commission representatives and representatives of Okauchee Lake Yacht Club concurred that where the center line of the road was staked was not their understanding of where the road was going. The Planning Commission also reviewed the areas that they wanted to use for parking, the boat launch area and inspected the interior of the building. It was concluded that the Town Staff and the County Staff would meet with representatives of the Yacht Club to try to resolve the issues and present a new recommendation to the Commission.

The Commission departed the site at 12:10 p.m.

**CALL TO ORDER – Administration Center**

Walter Baade, Chairperson, called the meeting to order at 1:18 p.m. at the Administration Center.

Commission	Ellen Gennrich	Gary Goodchild	Walter Kolb
Members Present:	Walter Baade (Left at 3:00)	Pat Haukohl	
	Mareth Kipp (Arrived at 1:35)	Betty Willert (Left at 4:30)	

Commission  
Members Absent: None

Staff  
Members Present: Richard L. Mace, Planning and Zoning Manager  
Elfriede Sprague, Clerk Typist III  
Sheri Mount, Land Use Specialist

Guests Present:	Thomas Bird	Richard Peyton	Laura Kiesow Hoene
	Greg & Ralph Cavaiani	Tony Pegg	Joseph E. Reilly
	Sharon Moore	Richard Moeller	Bill Koepsel
	Scott Salick	Larry Kassens	Sharon Bird
	Jim Knowles	Patty Mueller	Brian Turk
	Tim Barbeau		

**CORRESPONDENCE** - None

**MEETING APPROVAL** - None.

**MINUTES** - None

**PUBLIC COMMENT**

Chairperson Baade asked if anyone from the audience wished to address the Commission? There being no one, he moved to the next item on the agenda.

**SCHEDULED MATTER – Appointment of Nominating Committee**

*Chairperson, Mr. Walter Baade announced he had appointed Mrs. Mareth Kipp, Mrs. Ellen Gennrich and Mr. Gary Goodchild as the Nominating Committee.*

**SCHEDULED MATTER – Report of Nominating Committee and Election of Officers**

*After a brief discussion and report by the Nominating Committee, Mrs. Willert moved, seconded by Mr. Goodchild and carried unanimously, to accept as officers Mrs. Kipp as Chair, Mrs. Gennrich as Vice Chair and Mrs. Haukohl as Secretary, effective with the October 6, 2005 meeting.*

• **ZT-1588 (T & W Auto Sales) Town of Waukesha, Section 1 (Rezone from the B-2 Local Business District to the B-3 General Business District)**

Mr. Mace presented the “Staff Report and Recommendation” dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property in the N ½ of the NW ¼ of Section 1, T6N, R19E in the Town of Waukesha on the north side of Arcadian Ave. on the aerial photograph.

Mr. Mace explained the property in question is bordered on the north, northeast and west side by a residential neighborhood. Mrs. Gennrich thought it would be nice to have some sort of a buffer between the property and the neighbors. Mr. Mace replied the buffer was also one of the issues of the Town and at the Town meeting, the neighbors did voice concerns about the proposed use. Mr. Mace explained the Land Use Plan designates the area as residential and the rezoning is inconsistent with the Plan. The City and the Town need to get together and decide what to do with the area, as it is entirely surrounded by business and light industrial uses. Mrs. Haukohl was concerned that by rezoning the entire area, the residents would be forced out of their homes. Mr. Mace replied the residents could stay; however if the opportunity presented itself to sell their homes at a reasonable price, they could do so.

Mr. Peyton commented that he has already purchased the parcels and cleaned up the lots. With the construction of Hwy. 164, new businesses will probably open abutting the residences on the east. He said per his conversations with the Town, it was felt they would be better able to control the property with a used car lot use than any other B-2 uses allowed. Mrs. Gennrich asked about the size of the business? Mr. Peyton replied that currently the business is downtown and consists of an auto repair and sales business with a gas station. They would like to relocate the car sales from that site to this one, and only have repairs and gas sales at the downtown location. The proposed lot on Arcadian would strictly be used for car sales with an inventory of about 30 cars. Mr. Mace explained the B-1 and B-2 zoning does allow different business uses, however not car sales. Changing it to a B-3 zoning allows the car sales lot to be there. Mr. Kolb asked about the other residences fronting on Arcadian Ave.? Mr. Peyton replied there were three residences, none having any type of business.

Mr. Mace explained he would like the Town and the City to review the planning for the neighborhood. There is no sewer, however there is City water. Mrs. Gennrich asked why was it not annexed to the City? Mr. Mace replied that it was up to the property owners to request annexation. He approached the City and asked them their thoughts on the area, as it is their Plan that rules. Both the Town and City’s Plan place the area in residential.

Mrs. Kipp asked if it was possible to expedite the issue so Mr. Peyton doesn't have such a long wait? Mr. Mace replied that he would try to meet with the City and Town to help come to a conclusion and facilitate the matter. Mrs. Kipp asked if Mr. Peyton would have to wait until January to amend the Land Use Plan? Mr. Mace answered he does not have to wait for January as the Cities and Villages of the County can amend their Land Use Plan at any time, as long as they follow due process. Upon adoption of a Plan revision by a City or Village, it automatically changes the County Development Plan.

*After a brief discussion, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously to table the matter and that the City of Waukesha Plan Commission be consulted regarding the possibility of making changes to the Development Plan of the City, which becomes part of the County Development Plan.*

• **ZT-1587 (Text Amendment) Town of Waukesha**

Mr. Mace presented the "Staff Report and Recommendation" dated September 28, 2005, and made a part of these Minutes. He indicated the request includes amendments to the text of the Town of Waukesha Zoning Code, relating to unenclosed storage, landscaping, sanitation and water supply, building location and size, Board of Appeals, changes and amendments, special exceptions and sidewalk/sandwich signs.

Mr. Mace explained the Town's amendment deleted the unenclosed storage provision, partially deleted the landscaping provision and renumbered it, added a sanitation and water supply provision (reduced lots sizes, widths, and offsets if having sewer and water), increased garage sizes for both attached and detached garages an average of 200 sq. ft. and the special exception procedure added a subsection, "Limited Jurisdiction", for the Board of Appeals. Mrs. Haukohl asked about the change in accessory building size? Mr. Mace clarified the provision and the special exception procedure.

*After a brief discussion, Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously for approval, in accordance with the "Staff Report and Recommendation". The approval of this request will promote and meet the intent and purposes of all County Ordinances.*

• **CZ-1577 (David Robinson) Town of Oconomowoc, Section 14 (Rezone from the AP Agricultural Land Preservation District to the R-1 Residential and the EC Environmental Corridor Districts)**

Mr. Mace presented the "Staff Report and Recommendation" dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property, in the NE ¼ of Section 14, T8N, R17E in the Town of Oconomowoc, on the west side of Norwegian Road on the aerial photograph.

Mr. Mace distributed a copy of the proposed Subdivision Plat and explained it would probably be modified with respect to the access onto Norwegian Road. Yaggy Colby did an assessment of the plan and determined the access road to the subdivision does not meet the County's road requirements for County Trunk highways. Norwegian Road, which is a Town road, may need to be slightly revised for safety purposes or the access road relocated. In this case, the Town has adopted the County's road standards for site visibility. Mrs. Haukohl asked about prime soils on the site? Mr. Mace answered there is a limited amount, however there are no prime soils on the steep slopes. A large portion of the land will be protected and preserved in common open space.

*After a brief discussion, Mr. Goodchild moved, seconded by Mrs. Kipp and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and promotes and meets the intent and purposes of the County Development Plan.*

• **CZ-1582 (David Faretta) Town of Oconomowoc, Section 8 (Rezone from the A-1 Agricultural District to the R-3 Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property at W380 N8291 Mill Street in the Unincorporated Village of Monterey in the Town of Oconomowoc on the aerial photograph.

Mr. Goodchild noted the parcel was surrounded by a proposed Neumann subdivision and asked whether it was consistent with those lot sizes? Mr. Mace replied the lots sizes would be compatible ( $\frac{3}{4}$  to 1 acre). He pointed out the new development in the area and commented the proposed rezone was consistent with both the County and Town's Development Plan.

*After a brief discussion, Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request will allow the petitioner a reasonable use of his land and promote and meet the intent and purposes of the County Development Plan.*

• **CZ-1585 (Edward Weide/Ralph Cavaiani-petitioner) Town of Oconomowoc, Section 8 (Rezone from the A-P Agricultural Land Preservation District to the R-1 Residential District.)**

Mr. Mace presented the "Staff Report and Recommendation" dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property at N80 W38726 McMahon Road in the Town of Oconomowoc on the aerial photograph.

Mrs. Gennrich asked why are we changing the zoning when the area already has a 1:5 density? Mr. Mace replied to accommodate smaller lots, which are not allowed under the A-P zoning. He presented the Preliminary Subdivision Plat and explained there was a large hill, a large wetland complex and a small Environmental Corridor on the property, which the Town was interested in acquiring to add to their holdings to the east. This property was an amendment to the Land Use Plan. It is currently unknown whether there would be 20 or 21 lots; the number will depend on the survey.

Ralph Cavaiani stepped forward and explained that currently it appeared they would have 20 lots, as they are at less than 105 acres. The plans include a riding trail or hiking trail, which will connect to Monterey Park and the 25 acres of wetlands will be dedicated to the Town of Oconomowoc. Mrs. Haukohl asked the impact of the wetlands on the lot placement? Mr. Cavainai replied, "There would be no impact". The five (5) acres of Environmental Corridor will be in open space. Mr. Mace suggested that the woods in the northeast corner be dedicated to the Town.

*After a brief discussion, Mrs. Kipp moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request will allow the petitioners a reasonable use of their land and promote and meet the intent and purposes of the County Development Plan.*

**CZ-1581 (William and LaVerne Brooks/Larry Kassens) Town of Oconomowoc, Section 22 (Rezone from the A-5 Mini Farm District to the B-3 General Business District)**

Mr. Mace presented the "Staff Report and Recommendation" dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property at N68 W36046 C.T.H. "K", directly across from the Town Hall in the Town of Oconomowoc on the aerial photograph.

Mr. Mace explained Mr. Brooks currently owns a commercial operation involving the sales, storage and service of outdoor home and garden equipment, ATV's, personal watercraft and the sale of propane gas. Mr. Brooks wishes to expand his business through building additions and the construction of a new accessory building, thereby requiring rezoning. Mr. Mace questioned the propane storage? Mr. Brooks replied that the 18,000-gallon tank, which was there previously, had been removed about 4 years ago, and he has a small 104 sq. ft. shed that is used to fill small propane gas bottles.

*After a brief discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of the County Development Plan.*

• **SCHEDULED MATTER 2:30 p.m. ZT-1593 (Text Amendment) Town of Delafield**

Mr. Mace presented the "Staff Report and Recommendation" dated September 28, 2005, and made a part of these Minutes. He indicated the request includes amendments to the text of the Town of Delafield Zoning Code and Development Control Ordinance amending various sections of Chapter 17 and 18 regarding zoning and land development.

Tim Barbeau and Brian Turk from R.A. Smith, representing the Town of Delafield, addressed the Commission explaining some of the amendments. Mrs. Haukohl questioned PUD's now being allowed on five (5) acres and was concerned this was not a large enough acreage? Mr. Barbeau replied there were developers interested in buying a number of small parcels, assembling them into one larger development and then redividing them as a PUD; the density would be limited by the underlying district. Mrs. Haukohl questioned the tree removal provision? Mr. Barbeau replied that it was a very controversial issue and was not adopted. A new provision was created in the Land Division and Control Ordinance for the Town requiring a detailed Site Analysis graphically showing tree surveys and identifying natural site features to the Town and then to overlay it with the Development Plan to show where any conflicts may occur. Mrs. Gennrich thought requiring an association as owners of open space when there is shared ownership of a septic system to be an excellent idea. Mrs. Haukohl asked for more details on the Primary Environmental Corridor Districts and sanitation restrictions. Mr. Mace replied they were several pages long and available for review in the Ordinance. Mrs. Gennrich asked how the Upland Environmental Corridor Overlay District compares to the County's?" Mr. Mace answered it is more detailed with specifics on driveways, septic sites and building sites.

*After a brief discussion, Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously for approval, in accordance with the "Staff Report and Recommendation". The approval of this request will promote and meet the intent and purposes of all County Ordinances.*

• **SVZ-1589 (Settlement At Utica Lake Addition No. 1) Village of Dousman, Section 33 (Rezone recently annexed lands within the Shoreland and Floodland Jurisdictional limits from the A-P Agricultural Land Preservation District to the R-3 Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property in the SW ¼ and SE ¼ of Section 33, T7N, R17E, in the Village of Dousman on the aerial photograph.

Mrs. Gennrich asked what was the density of the Gramling development to the south? Mr. Mace replied, "One acre". Mrs. Gennrich thought the development was too dense, having no open space or clustering. Mr. Mace explained this site did not have the same attributes as the development to the south; it was mostly farmland with a very small area of wetlands. Mrs. Gennrich asked about sewer availability? Mr. Goodchild replied sewer and water were already in place. Mrs. Haukohl was concerned about hydric soils on the site. Mr. Mace replied there were standards that had to be met when building concerning high ground water and the County had jurisdiction in the Shoreland area. Some of the Commission expressed concern about the

density of the development. Mr. Mace replied, "It is consistent with the County Development Plan". Upon further discussion, it was determined there was some misinterpretation of the number of lots being developed on the Preliminary Subdivision Plat and after clarification it was agreed the rezone was appropriate.

*After a brief discussion Mr. Goodchild moved, seconded by Mr. Kolb and carried unanimously for approval, in accordance with the "Staff Report and Recommendation". The approval of this request will allow the petitioner a reasonable use of his land and promote and meet the intent and purposes of the County Development Plan.*

- **ZT-1592 (Text Amendment) Town of Brookfield**

Mr. Mace presented the "Staff Report and Recommendation" dated September 28, 2005, and made a part of these Minutes. He indicated the request includes amendments to the text of the Town of Brookfield Zoning Code repealing and recreating Section 17.02(14)(b)5G of the Zoning Code regarding commercial services facilities and office uses in the M-1 and M-2 Manufacturing Districts.

Mr. Mace explained the amendment was to accommodate office and retail uses in an industrial facility, i.e. a restaurant, in a Manufacturing District as a Conditional Use. Currently this type of use is not allowed.

*After a brief discussion, Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously for approval, in accordance with the "Staff Report and Recommendation".*

Mr. Baade left at 3:00 p.m.

- **CU-1410 (Christopher Gorenc) Town of Vernon, Section 3**

Mr. Mace presented the "Staff Report and Recommendation" dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property at S67 W24275 Skyline Avenue in the Town of Vernon on the aerial photograph and stated the petitioner is requesting Conditional Use approval for after-the-fact earth-altering activities in conjunction with dirt bike trails and jumps.

Mr. Mace explained the Staff's recommendation was to refer this matter back to the Town as it was felt they need to address the issue of a nuisance and possibly adopt an Ordinance addressing ATV's, before the Commission takes action on the Conditional Use request. The Town's conditions do not address the noise issue. The petitioner owns approximately six (6) acres with the trails encompassing a large area of the lot. There is a small area of wetland with earth mounds that are being used for bike jumps.

Joseph Reilly, a neighbor, addressed the Commission and read an addendum to the letter he wrote to the Commission expressing his feelings on the bikes and noise (copy on file). He felt the hours of bike use and the nuisance they created was beyond reasonable. The overall issue was the noise levels and it needs to be defined. It was his opinion the matter should be sent back to the Town to reconcile the issue of the nuisance noise. Mrs. Gennrich asked if Section 3.07(4) of the Waukesha County Zoning Code applied to the Town and if so, who enforces it? Mr. Mace replied, "The County zoning authority". If it were criminal, it would be the sheriff and if it was civil, which this is, it would be the County through the normal process, such as citations, etc.; however, there has to be a determination made by the Town and the Zoning Administrator that this is in fact a nuisance, which the Town has failed to do.

Mr. Tom Bird, a neighbor, commented that the neighbors have been dealing with the noise for over a year and the Town has been unresponsive to the neighbors' complaints. Motorcross race cycles are being used on the track and are creating the high-pitched noise. The Conditional Use allows Mr. Gorenc trails of 10 feet in with in the straight away and 20 feet at the curves. The track encompasses 78% of his property in a residential area. When he received his recent assessment he spoke with the Building Inspector, who told him he could lower his assessment 10% because living next to the track affected his property value.

***After a brief discussion, Mr. Kolb moved, seconded by Mrs. Haukohl to deny the request and refer the matter back to the Town. After discussion, the motion was withdrawn.***

Mrs. Kipp and Mrs. Gennrich commented that denying the request would not address the noise issue; it would just eliminate the trails and jumps. The Town needs to amend their Ordinance identifying a nuisance.

Atty. Anthony Hennica, representing the petitioner, stated Mr. Gorenc has tried to reconcile the issue with his neighbors. He objects to the term racetrack; it is used strictly for his children as a trail. He has offered to reduce the number of hours in a reasonable manner and has restored the bikes to the original manufacturer equipment to reduce the noise. Atty. Hennica agreed the issue should be remanded back to the Town and questioned whether it is the use or the creation of trails, as much as what the trails are used for, that seems to be the issue. The Town is the appropriate agency to enforce the noise issue, however they need to identify "reasonable" and set a criterion for "noise level".

***After a brief discussion, Mr. Kolb moved, seconded by Mrs. Haukohl and carried unanimously to refer the matter back to the Town to review their conditions and make a finding regarding a "nuisance", in accordance with the "Staff Report and Recommendation".***

**• SCU-1414 (William Koepsel) Town of Oconomowoc, Section 21**

Mr. Mace presented the "Staff Report and Recommendation" dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property in the NW ¼ of Section 21, T8N, R17E in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting Conditional Use approval for after-the-fact earth-altering activities in conjunction with the construction of a single-family residence

Mr. Mace presented photographs of the property to the Commission. There were concerns the trees would eventually die. Mrs. Kipp asked Mr. Koepsel to explain why he did the amount of grading he did? He explained he was allowed a 3:1 ratio for his driveway and he brought in the fill for its completion. Someone saw the piles and he was sent a violation letter. During her site visit, Ms. Mount said the driveway fill was okay, however excess fill was noticed around the building. The builder had added the extra fill so he could maneuver heavy equipment on the lot. Mrs. Willert commented the concern was with the disturbed areas. She counted ten (10) large piles of dirt on the photographs. Mr. Koepsel explained two (2) piles were scraped back topsoil and the others were fill for the bottom of his lot. He advertised for fill and contractors from the area dropped the fill off in his yard. Mrs. Willert asked if he read the conditions on his Zoning Permit? He replied he thought his builder had complied with them. He explained the piles that were present are now gone and were spread around the driveway. The topsoil piles still remain. He went on to explain that he has put a winter mix of seed on the disturbed land and it is germinating already.

Ms. Mount arrived and explained some of the chronology. She agreed that many of the trees would die, due to the grading, and Mr. Koepsel has now supplied the Staff with a Mitigation Plan (submitted September 28, 2005) replacing the trees. There are a variety of species proposed, whereas many of the trees lost were not of the highest quality, being Box Elder and Green Ash. She explained Mr. Koepsel's proposed Plan and said the Staff is recommending approval as conditioned in the "Staff Recommendation". Mrs. Gennrich asked if we would have approved this Plan originally? Ms. Mount replied, "Probably. He is following the process, he is not creating adverse drainage and he is receiving approval from the Town Engineer indicating that he is not affecting the Town's culverts or ditches". Mrs. Gennrich felt there should be a fine for not complying with the Zoning Permit's conditions and bringing in the excessive fill. Mr. Goodchild commented that he was charged double the fee, as it was after-the-fact. Ms. Mount commented that Mr. Koepsel was not considered to be after-the-fact because he planned to remove the fill. If the Commission does not approve the Conditional Use request, Mr. Koepsel will require a retaining wall on both sides of the driveway. Mr. Goodchild commented it was a difficult lot to work with, especially if an exposed basement was not wanted.

The Commission reiterated the conditions were on the Building Permit and Mr. Koepsel did not follow the conditions.

*After a brief discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” and to also send the matter to Waukesha County Corporation Counsel for review of possible violations. The approval of this request, will allow the petitioner a reasonable use of his land.*

- **SCU-1322 (Richard and Nada Moeller) Town of Eagle, Section 16**

Mr. Mace presented the “Staff Report and Recommendation” dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property in the SE ¼ of Section 16, T5N, R17E in the Town of Eagle on the aerial photograph and stated the petitioner is requesting Conditional Use approval for after-the-fact earth altering and dredging activities for the construction/restoration of a pond and wetland.

Mr. Mace explained construction of the pond was a long-standing DNR violation and has been an issue for some time. Jim Knowles, consultant for Mr. Moeller, commented that the DNR has approved the Plan and now it just needs County approval. The Commission agreed the pond would be restored to its original condition and was in compliance with the Ordinance.

*After a brief discussion, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will result in a proper resolution to a long-standing violation.*

- **PO-05-OCOT-15 (Rustic Inn) Town of Oconomowoc, Section 10**

Mr. Mace presented the “Staff Report and Recommendation” dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property at W360 N8737 Brown Street in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting Site Plan/Plan of Operation approval for two (2) new signs, revised parking and lighting plans and to amend the conditions of the previous approval.

*Mrs. Gennrich excused herself from the discussion due to a conflict of interest.* Mr. Mace commented the Staff’s main concern was the Parking Plan. A Revised Plan, submitted by the Staff, has been prepared with five (5) parallel spaces pushed about 10 feet further back along C.T.H.”P” for the Commission to review. The Staff felt this was an improvement over the original plan submitted.

*After a brief discussion, Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously for approval, (Mrs. Gennrich did not vote due to a conflict of interest) as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **(John and Patricia Mueller) Town of Merton, Section 12**

Mr. Mace presented the “Staff Memorandum” dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property at W288 N8009 Park Dr. in the Town of Merton on the aerial photograph and stated the petitioner is requesting approval for retaining walls within 5 ft. of the lot line.

Mrs. Mueller explained they would be building a new residence on the lot. A patio has been installed and the old retaining walls have been replaced. They were not aware a Zoning Permit was required for the replacement walls.

*After a brief discussion, Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land.*



- **(Scott Salick) Town of Merton, Section 30**

Mr. Mace presented the "Staff Memorandum" dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property at W334 N5995 Road M, in the Town of Merton on the aerial photograph and stated the petitioner is requesting approval for retaining walls within 5 ft. of the lot line.

Mr. Mace explained Mr. Salick was requesting to amend the location of retaining walls, which were approved on November 17, 2004 (SCU-1385). The adjacent property owner has no objections to the relocation. There was some confusion as to which exhibit was the correct Landscaping Plan. Mr. Salick clarified it to be Exhibit "C". Mrs. Willert departed at 4:30 p.m.

*After a brief discussion, Mrs. Gennrich moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of his land.*

- **(Sharon Moore) Town of Delafield, Section 23**

Mr. Mace presented the "Staff Memorandum" dated September 28, 2005, and made a part of these Minutes. He pointed out the location of the property at N21 W29750 Glen Cove Road in the Town of Delafield on the aerial photograph and stated the petitioner is requesting approval for retaining walls within 5 ft. of the lot lines.

Mr. Mace distributed photographs of the petitioner's property for the Commission's review. Laura Kiesow, representing her mother, a neighbor to the west of Mrs. Moore, commented she was concerned any changes would cause runoff unto her mother's property. Mr. Mace discussed the Landscaping Plan and the Staff's conditions. The Plan needs to provide for proper drainage away from Mrs. Moore and her neighbors. Mrs. Gennrich commented an engineering study was needed to ensure there would not be any adverse drainage onto the neighbors. Mr. Mace replied we could require an "As-Built Survey".

Mrs. Moore, petitioner, told the Commission that the area in question was her front entrance door and she needed to put in a walkway. Mr. Mace felt rock was not needed there and it would be better to plant grass. Mrs. Moore commented the builder created the problem with the grade. Mr. Mace replied that even though the builder created the problem, it is now the owner's responsibility to correct it. Mrs. Gennrich questioned whether the matter should be sent to Corporation Counsel for a possible violation review, as the Permit specifically prohibited the construction of retaining walls? She felt the conditions of approval were on the Zoning Permit and if Mr. Koepsel was being reviewed for possible violation then Mrs. Moore's case should also be.

*After discussion, Mrs. Gennrich moved for approval, as conditioned, in accordance with the "Staff Memorandum" with a modification to Condition No. 2, and to send the matter to Corporation Counsel for review and a possible fine. There was no second and the motion died.*

Mrs. Kipp and Mrs. Haukohl felt it would put a burden on Mrs. Moore, as Corporation Counsel would fine her, even though it was the builder who should be fined. It would then be up to Mrs. Moore to collect the fine from him. Mrs. Gennrich questioned the broken up slab of stone by the lake? Mrs. Moore replied the Town of Delafield Building Inspector had approved putting a layer of concrete over the top to smooth it out. Mrs. Gennrich asked if it would be considered a structure? Mrs. Moore answered the landscaper had spoken with Mrs. Barrows. Mr. Mace will check with Mrs. Barrows to verify the plan and determine whether it is appropriate.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried with 4 ayes. (Mrs. Gennrich voted no), for approval, as conditioned, in accordance with the "Staff Memorandum" with a modification to Condition No. 2, which will now read.*

2. *Prior to the issuance of a Zoning Permit, a Stake-Out Survey must be submitted to the Planning and Zoning Division office identifying the revised location of the retaining walls and the elevation at the bottom and top of the wall and also the location of the patio on the lakeside of the residence. If a swale is necessary on the east property line, the survey shall include the revised grades. The Planning and Zoning Division Staff shall review and approve the method used to ensure no adverse drainage on to the adjacent property to the east. An As-Built Plan, prepared by the surveyor, showing the swale and rock outcroppings shall be provided for the area along the west side of the property.*

*The approval of this request, will allow the petitioner a reasonable use of her land and still promote and meet the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission Mr. Kolb moved, seconded by Mrs. Haukohl to adjourn at 5:03 pm.*

Respectfully submitted,

Ellen Gennrich  
Secretary

EG:es